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Peter Tong  
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<i>In re</i> Application of:	:
HO, CHI FAI et al	:
Serial No.: 10/694,706	:
Filed: Oct. 28, 2003	:
Docket No. 110 CONT3	:
Title: LEARNING METHOD AND SYSTEM	:
THAT CONSIDER A STUDENT'S	:
CONCENTRATION LEVEL	:
	DECISION ON RENEWED
	PETITION TO ACCEPT
	DUPLICATE PAPER UNDER
	37 C.F.R. 1.181

This is a decision on the petition filed on May 13, 2009. The petitioner requests withdrawal of the holding of abandonment and accept duplicate response pursuant to 37 CFR 1.181(a).

The petition is GRANTED.

The present application was held abandoned for failure to timely respond to the final Office action mailed on December 24, 2008 which set a three-month shortened period for reply. Without any extension of time, the application would have been held abandoned on March 25, 2009. However, the Notice of abandonment was not yet mailed.

Petitioner asserts that a timely response to the final office action was transmitted by facsimile to the Office on March 22, 2009. The petitioner has supplied a copy of the amendment. On page 1 of the amendment, the petitioner has also provided a Certificate of Facsimile pursuant to 37 CFR 1.8, dated March 22, 2009 and signed by Colima Tong. Finally, the petitioner has provided a copy of Fax Activities Log with a date of March 22, 2009.

As petitioner has provided convincing evidence that a timely reply to the final Office action of December 24, 2008 was transmitted to the Office on March 22, 2009, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the duplicate response papers filed n May 13, 2009 has been accepted. This application is being forwarded to the examiner in Art Unit 3782 for consideration of the Rule 116 amendment.

PETITION GRANTED

Robert Olszewski, Director  
Technology Center 3700